

with Baltimore, and come to the conclusion that said routes are impracticable?

We answer in the affirmative.

4th Interrogatory—Did you not make an actual survey and recognition of the whole route for a canal from the Chesapeake and Ohio Canal, by way of the vallies of Seneca, Patuxent and Patapsco, to Baltimore?

Answer—In our opinion, we did make an "actual survey," or perhaps some would prefer to call it an "actual personal examination" of the several summits of the Westminster, the Linganore, and the Seneca routes, for a cross-cut canal, prior to July 26th, 1826, the date of our first report, and satisfied ourselves, (and we still continue of the same opinion,) that there is not a due supply of water on either of said summits; and as a necessary consequence, that a canal on either of said routes, is impracticable "with due supply of water."

Having reached this conclusion, we did not make an actual survey, location and estimate of either of the entire routes of canal.

As there are some who think we ought to have made such surveys, locations and estimates, we respectfully ask leave to state the reasons why we thought and acted otherwise.

It appears to be admitted, that the word *practicability* in the law; was not intended to convey the idea of *possibility*; else, why ask *whether the canal be practicable* with due supply of water, when there was no one that questioned the *possibility* of constructing a canal and supplying it with water, on either of the routes named, or indeed any where else, by an expen iture of tens, twenties and hundreds of millions; besides, in such a view, Mr. Trumble himself, has never surveyed, located and estimated a canal on the Linganore, "with due supply of water;" he has, it is true, as stated in his report, surveyed, located and estimated a canal, *not* "with due supply of water."

We proceed to explain our duties under the law of 1826, as understood by us at the time we acted. We construed the words of the law; "whether and at what expense the construction of said company's canal with due supply of water, be practicable, from the Chesapeake and Ohio Canal," &c &c. to Baltimore, to mean: 1st. Whether a canal be practicable *with due supply of water*;—and 2d, at what expense.

If then, as Engineers under the law, in a careful exercise of our judgment, from actual personal examination of the ground, we had satisfied ourselves that a canal "with due supply of water," *was not practicable*, what was there for us to survey, locate and estimate? A canal that, *in our opinion*, as Engineers, was practicable? We have already said there was none. A canal that, *in the opinion of others*, was practicable? By no means. The law never contemplated the absurdity of requiring an Engineer, after having satisfied himself of the insufficiency of water, to go over the country, (for it should be recollected while we were acting, and for two months after, *Mr. Trumble* was not in the employ of the city of Baltimore,) to find some Engineer who differed in opinion; and ascertain from him his views and his